

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-29 are pending. Claims 1, 11 and 20, which are independent, are hereby amended. Support to the amendments is provided throughout the Specification, specifically on pages 17 and 39.

No new matter has been introduced. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

**II. REJECTIONS UNDER 35 U.S.C. §101 and §103(a)**

Claims 1-4, 6, 7, 11-14, 16, 17, 20, 22, 23, 25 and 26 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,642,153 to Chaney, et al. (hereinafter, merely “Chaney”) in view of U.S. Patent No. 6,002,394 to Schein, et al. (hereinafter, merely “Schein”) and U.S. Patent No. 5,850,218 to LaJoie, et al. (hereinafter, merely “LaJoie”) and U.S. Patent No. 5,528,670 to Elliot, et al. (hereinafter, merely “Elliot”) and U.S. Patent No. 5,793,410 to Rao (hereinafter, merely “Rao”) and U.S. Patent No. 6,510,556 to Kusaba, et al. (hereinafter, merely “Kusaba”) and in further view of U.S. Patent

No. 6,493,876 to DeFreese, et al. (hereinafter, merely “DeFreese”) and in further view of U.S.

Patent No. 6,832,355 to Duperrouzel et al. (hereinafter, merely “Duperrouzel”).

Claims 5, 8, 15, 18, 24 and 27 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Chaney in view of Schein, LaJoie, Elliot, Rao, Kusaba, DeFreese, Duperrouzel, and further in view of U.S. Patent No. 6,598,226 to Sorensen, (hereinafter, merely “Sorensen”).

Claims 9 and 28 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Chaney in view of Schein, LaJoie, Elliot, Rao, Kusaba, DeFreese, Duperrouzel, and further in view of U.S. Patent No. 6,075,570 to Usui, et al. (hereinafter, merely “Usui”).

Claim 21 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Chaney in view of Schein, LaJoie, Elliot, Rao, Kusaba, DeFreese, Duperrouzel, and further in view of U.S. Patent No. 6,470,497 to Ellis, et al. (hereinafter, merely “Ellis”).

Claims 10, 19 and 29 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Chaney in view of Schein, LaJoie, Elliot, Rao, Kusaba, DeFreese, Duperrouzel, and further in view of U.S. Patent No. 5,563,648 to Menand, et al. (hereinafter, merely “Menand”).

### III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

“A television receiver, comprising...

**...an index key for assisting the user to choose a channel by causing the display element to display an index table showing information of each channel.**” (emphasis added)

Applicants respectfully submit that Chaney, Schein, LaJoie, Elliot, Rao, Kusaba, DeFreese, Duperrouzel, Sorensen, Usui, and Menand, taken alone or in combination, fail to disclose or suggest the above-identified features of claim 1. Specifically, nothing in the references teaches or discloses "an index key for assisting the user to choose a channel by causing the display element to display an index table showing information of each channel", as recited in claim 1 (emphasis added).

Indeed, claim 1 recites an index key member (324 in Figure 3) that causes the display element to display an index table. None of the references relied by the Office Action teaches or discloses the above-identified features of claim 1.

Furthermore, Applicants submit that the Office Action fails to make a *prima facie* case of obviousness rejections.

Under the current standard, articulated in *KSR*<sup>1</sup>, in determining whether the subject matter of a patent claim is obvious, neither the particular motivation nor the avowed purpose of the patentee controls. What matters is the objective reach of the claim. If the claim extends to what is obvious, it is invalid under §103. One of the ways in which a patent's subject matter can be proved obvious is by noting that there existed at the time of invention a known problem for which there was an obvious solution encompassed by the patent's claims.

Applicants submit that according to the standard in *KSR*, the 29 rejections in the Office Action based on the combination of 11 references are based on impermissible hindsight. Applicants submit that a person having ordinary skill in the art would not attempt to solve the problem addressed in the embodiments of this invention by combining the references, as described in the Office Action. The Office Action relies solely on the judgment that "it is

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<sup>1</sup> *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 82 USPQ2d 1385 (Fed. Cir. 2007)

obvious for one of ordinary skill in the art at the time of Applicant's invention" for each and every rejection. Such a general statement for each of the 29 rejections and combination of 11 references proves that the Office Action issues rejections with impermissible hindsight.

Applicants submit that these rejections fail to meet the procedural and statutory requirements of obviousness rejection.

Applicants submit that the steps of the claims were not readily apparent. Indeed, the index key for assisting the user to choose a channel by causing the display element to display an index table showing information of each channel results in a superior result.

Therefore, Applicants submit that claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 11 and 20 are also patentable.

#### IV. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

**CONCLUSION**

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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